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CLAIM OF METHODIST EPISCOPAL CHURCH SOUTH.

"Nor shall private property be taken for public use, without just compensation."—*Constitution of United States.*

"If the necessities of the public service should require the use of private property to public uses, compensation is to be allowed."—*Proclamation of General Buell, Nashville, February 26, 1862.*

"The average saving to the Government, taking Cincinnati, Chicago, Pittsburg, and Nashville prices, as shown by monthly reports heretofore sent, is 82½ per cent, though it is believed the actual saving is 100."—*U. S. Quartermaster Report, 1865.*

ARMY APPROPRIATION BILL.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE

HOUSE OF REPRESENTATIVES,

Saturday, January 15, 1898.

WASHINGTON.
1898.

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Mr. W. A. Smith

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SPEECH

OF

HON. JOHN W. GAINES.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 6546) making appropriations for the support of the Army for the fiscal year ending June 30, 1899, and for other purposes—

Mr. GAINES said:

Mr. CHAIRMAN: I shall consume the few minutes that I have at my disposal in calling to the attention of the House some of the facts upon which is based the claim of the Methodist Episcopal Church South, as it is commonly called, inasmuch as it may again in a few days be considered by this body as unfinished business. The technical name is the "Book Agents of the Methodist Episcopal Church South." It is a corporation chartered in 1856 by the laws of Tennessee. It is purely eleemosynary. It is not one of profit. The profits, if any, are used in caring for superannuated preachers and their families. There is "no stock or shareholders, or any personal or individual interest whatever" in the concern.

The claimant's petition says:

The house is strictly a charity for the dissemination of literary, scientific, and religious knowledge among the millions that come within its influence, of all classes and races, particularly the young and illiterate.

The property in question has always been located in Nashville, Tenn., my home. Briefly described, the claim is one of eminent domain, which, when exercised, we all know, calls for "just compensation" promptly made, either before or after the invasion, always one or the other, when it is justly and lawfully exercised. In cases where it is exercised by military forces in time of war or by sovereign powers, the compensation generally follows the injury done. The actual injury complained of in this case began in 1864 and continued until 1865, and until after the close of the war, nearly, if not quite, two years.

I say it is a plain case of eminent domain, because the facts are briefly these: The plaintiff's property was much needed by the Federal forces at Nashville, and because needed they took it, and not because they wanted to confiscate it. It was never confiscated. It was taken charge of, the claimant entirely dispossessed, except of its title. The property was used, greatly damaged, and some of it entirely consumed by the military forces of the United States then stationed in the city of Nashville. Described in legal terms, Mr. Chairman, the plaintiff's property, which was nonconfiscable, was "taken, applied, damaged," and in part entirely consumed by the military authorities representing the Government of the United States.

Portions of the property were entirely destroyed, not simply consumed as the stock of goods within the buildings, but destroyed—that is to say, one of the new buildings was pulled down that the

remaining buildings might be more conveniently used and turned into, as they were, a military manufactory for the military forces of the Government. The large and valuable machinery was nearly all destroyed by rough and excessive use. It is set forth in the claimant's original petition, a copy of which appears in the RECORD of to-day, and is couched in the following words and figures:

Rent of real estate, two years, $15,000 per annum, the property being valued at $150,000, 10 per cent per annum	$30,000
Rent of machinery, presses, etc., 25 per cent per annum on the valuation, $312,000, two years, $78,000 per annum	156,000
Use of three iron lathes, $17 per week, one hundred weeks	5,100
Injury and consumption of machinery, presses, type, etc., 50 per cent on valuation	156,000
Front store torn down to more conveniently use the remaining buildings	5,000
Stereotype materials, etc., consumed	4,559
Job office, etc., carried to the front, and stock with it	5,500
Belting worn out	750
Merchandise in front stores used and destroyed	90,000
Injury by alterations of buildings internally	5,500
	458,400

The claimant agrees to take the compromise amount, $288,000 in full of its claim, rather than wait longer.

The report says:

This, is the sum $288,000 that remains after reducing the price for the rent of the machinery, etc., below the estimates of the witnesses from 25 per cent to 20 per cent of its cost, which is the lowest sum named in the testimony by any of the experts, and reducing the amount claimed for injury done to the property from 50 per cent to 20 per cent, which is less than half the amount named by any of the experts, and by reducing the charge for merchandise used, etc., from 50 to 25 per cent.

The evidence reveals the damages ($458,000) the claimant states.

The claimant was not only "deprived" of its property, save and except the technical title, possession entirely being taken and for several years, but its business was entirely broken up. In addition to all this, portions of these handsome buildings were torn down, but, as stated, not to confiscate them—not at all—but to more conveniently fix, change, and use the remaining buildings as a military manufactory. The remaining buildings were changed in many ways, and so hurriedly as that they were damaged and battered in attempting to make them conform to the military necessities and exigencies then existing. The property was then (1864) valued at about $700,000, $400,000 being cash, having been put into the business at the beginning, in addition to other handsome contributions from outside sources. When returned to claimant it was valued at about $200,000.

On the capital invested claimant's petition says:

The capital with which said house commenced business was mainly the share which fell to this church of several funds belonging to the Methodist Episcopal Church on the division of said church in 1844, awarded pro rata by the Supreme Court of the United States, and which funds amounted to something over $400,000. To this was added large private donations in money and other property, by bequest and otherwise; and also two smaller publishing establishments of said church at Richmond, Va., and Louisville, Ky. Thus set agoing, the house continued to do a respectable and increasing business.

As to the kind of buildings, claimant's petition, I know, Mr. Chairman, correctly states the facts as follows:

It might be well for us to state that our buildings were of stone and brick, among the best, and one of the best sites in the city, from four to seven stories high, fronting 80 feet by 212 deep, with a wing fronting 120 feet on another street, and about 50 feet deep.

This property, located at my home, Nashville, is well known to me. It fronts on the public square in that city, and extends back to the Cumberland River, which, of course, makes it very valuable property. In addition to these valuable buildings the machinery therein was heavy and costly, used for printing and other purposes, and proved invaluable to the military authorities in supplying them with immense quantities of much needed printing. Claimant's petition thus describes this machinery:

In addition to the ordinary implements and machinery of the printing and publishing manufactory, the remoteness of Nashville from the Northern cities caused the managers of this institution to possess themselves of large iron lathes and other implements constituting a machine shop for turning and handling heavy iron for manufacture or repair of presses and other machinery of the establishment.

Beyond question this was extremely valuable property, the finest printing establishment short of Washington or New York, and the testimony of Federal officials filed with this claim states and proves the fact.

You can readily see that turning this great printing establishment, being used in a civil, business-like way by the claimant, into a military manufactory, for which it was never intended, within a few days' time necessarily damaged it very much. It was used day and night, and excessively. The machinery was run twenty-five revolutions per minute faster than intended, and by green printers and workmen, whereby it was broken, some destroyed entirely, while all of it was worn out and rendered practically useless. These facts are sworn to by the most reputable citizens of Nashville, belonging to both parties, Republicans and Democrats, Union men and non-Union men, and, I may add, by men who worked for the claimant before and after the war, while some of them were employed by the military forces to run this machinery while in use by the Federal forces.

The witnesses I refer to here were salesmen W. R. Warren, John W. Hunter, and master-workmen Spillers, Dashiell, Carroll, and Kelsea, who are experts and practical men in their respective departments. The veracity and ability of these men, as well as the claimant's other witnesses, is vouched for, as the official records of this House show, and as I personally know, by the following leading citizens, Union men, Republicans, and now ex-officials. First, I see the certificate of Mr. Harrison as to the engineer in charge of this machinery. He says:

OFFICE OF U. S. LOCAL INSPECTOR OF STEAM VESSELS,
Nashville, October 1, 1872.

This is to certify that I am personally acquainted with William G. Dashiell, the present chief engineer of the Nashville waterworks, and I know him to be a gentleman and a first-class engineer, and would give credit to any statement he might make.

SAM. M. HARRISON,
U. S. Local Inspector Boilers, Nashville, Tenn.

Next appears that of Mr. Carels as to Mr. Kelsea, the superintendent and manager of the stereotyping department, a professional printer and workman. He says:

I am personally acquainted with William Kelsea, and have known him for a number of years. He is a man of integrity and perfectly reliable in any statement he may make.

JOS. S. CARELS,
Chief Clerk Nashville Post-Office.

NASHVILLE, TENN., *November 2, 1872.*

I know Mr. Carels personally. He is now librarian at the Wat-

kins Institute in Nashville. He is and has always been a Republican.

Next we notice the certificate of the clerk of the United States circuit court, Mr. Campbell, whose untimely and tragic death cast a gloom over our entire community. He says:

UNITED STATES OF AMERICA,
Middle District of Tennessee:

I, E. R. Campbell, clerk of the circuit court of the United States for the district aforesaid, do hereby certify that I am well acquainted with the standing and reputation of Rev. A. L. P. Green, Thomas D. Fite, Rev. Thomas O. Summers, Hugh Carroll, Rev. W. R. Warren, J. W. Hunter, Wm. F. Bang, A. H. Redford, and Rev. Richard Abbey, and from my knowledge of the men, and also from their general reputation, would say that they are entitled to full faith and credit in any deposition or otherwise. In fact, they rank among the best and most substantial men of Nashville, and implicit faith would be given them before the courts.

[SEAL.] E. R. CAMPBELL,
Clerk United States Circuit.

NASHVILLE, TENN., *September 30, 1872.*

And finally, Mr. Chairman, comes the sworn statement of Judge East, well known, I know, to a number of distinguished Republicans, Union soldiers, now members of this House. Judge East is one of the most distinguished lawyers in the South, a Republican, but rather independent now in politics; a Union man, who was private secretary to Andrew Johnson when he was military governor of Tennessee, and was in 1872 chancellor at Nashville. Judge East says:

I have known A. L. P. Green, Thomas D. Fite, Thomas O. Summers, Hugh Carroll, W. R. Warren, J. W. Hunter, William H. Bang, A. H. Redford, Richard Abbey, and Robert T. Spillers for many years, none of them for less than five years and many of them for more than twenty years. They are personally among the best class; no better citizens can be found in this or any other community. They are gentlemen of intelligence (some of them in a high degree), of the most conscientious regard for truth, and entitled to full faith and credit under all circumstances.

I am, respectfully, EDWARD H. EAST,
Chancellor of the Seventh District of Tennessee.

SEPTEMBER 30, 1872.

Then, I see the strong statement of Dr. W. H. Morgan, who for many years before the war, and since, lived in Nashville—a leading dentist and professor, one of our best citizens, a strong Republican, who says he voted for Benjamin Harrison for President, who was in Nashville during the war, who knew all the facts of this case, and who states the claim is just, correct, and should be paid.

Again, there is Judge Whitworth, who was presiding judge in the sixties, still living in Nashville, a man of distinguished ability, one of our best citizens, I believe a Union man, who was judge of and regularly held the county court of Davidson County during the entire war and for many years thereafter, and who is now a capitalist and banker.

He says this claim is just, due, and should be paid. With Dr. Morgan and other leading citizens he went with Mayor Cheatham to see General Buell, in February, 1862, and asked him to take charge of the city of Nashville and protect her citizens and property from military and domestic violence. This General Buell agreed to and issued a proclamation to that effect, and in so many words said:

NASHVILLE, TENN., *February 26, 1862.*

If the necessities of the public service should require the use of private property to public uses, compensation is to be allowed. No such appropriation of private property is to be made except by the authority of the highest

commander present, and any other officer or soldier who shall presume to exercise such privilege shall be brought to trial.

Soldiers are forbidden to enter the residences or grounds of citizens upon any plea without authority.

In addition to this high testimony as to the justness and the amount of this claim, I will here state, and later on show, that the bishops of the Northern Methodist Church, including the bishops of the African Methodist Church, have repeatedly urged Congress to pay this claim, stating that the claim is just, while many of them state they personally know that it is just.

I give the names of some: Bishops Morris, Janes, Simpson, Ames, Bowman, Merrill, Peck, Haven, Hurst, McCabe, Cranston, Ninde, Walden, Goodsel, Vincent, Foster, and the following bishops of the African Methodist Episcopal Church, to wit: Turner, Gaines, Arnett, Hanna, Grant, Lee, Salters, and Handy. While recently, Mr. Chairman, a joint commission, representing 5,000,000 Methodists, recommend the payment of this claim. The names of the commissioners are as follows:

Bishop John F. Hurst, D. D., LL. D., Washington, D. C.; Bishop W. X. Ninde, D. D., LL. D., Detroit, Mich.; Bishop S. M. Merrill, D. D., LL. D., Chicago, Ill.; Bishop John C. Granberry, D. D., LL. D., Ashland, Va.; Bishop R. K. Hargrove, D. D., LL. D., Nashville, Tenn.; Bishop W. W. Duncan, D. D., LL. D., Spartanburg, S. C.; Rev. E. E. Hoss, D. D., LL. D., Nashville, Tenn.; Rev. R. J. Cooke, D. D., Chattanooga, Tenn.; Rev. H. G. Jackson, D. D., Chicago, Ill.; Rev. L. B. Wilson, D. D., Washington, D. C.; Rev. G. G. N. MacDonell, D. D., Waycross, Ga.; Rev. John H. Dye, Helena, Ark.; Judge T. B. Sweet, Topeka, Kans.; Judge T. H. Murray, Clearfield, Pa.; Judge Walter Clark, Raleigh, N. C.; Col. Asa Holt, Abilene, Tex.; Prof. W. R. Jones, LL. D., University of Mississippi; R. T. Miller, esq., Covington, Ky.

Mr. Chairman, the contents of this building were very valuable, consisting of paper, books, printing material, and everything that would stock a first-class printing establishment. This was taken and consumed by the military forces in charge. The claimant's petition on this point says:

In 1862 the Army needed these lathes, etc., and, with the consent of the agent, took and used them until the close of the war; and early in 1863 the Army found it necessary to have a job office at the front for printing, which was ordered from our house, and to which was added various other lots of printing material at different times. These supplies were furnished as required by the general in command. Toward the close of 1863 the necessities of the Army for printing and binding, etc., having increased very much beyond all expectation, and in the then condition of the country it being impracticable to procure suitable supplies from the North, Major-General Thomas, then commanding, took possession of our entire establishment, with all its buildings, machinery, paper, types, ink, stationery, books, etc., and property of every kind.

Now, listen to this especially:

At the end of two years what was left of the property unconsumed was returned to us very much broken and damaged. The reason why the machinery was worn, broken, and used up beyond ordinary wear is explained by the testimony of the engineers as being caused by the necessity of the Army, the machinery being pushed far beyond its capacity, and subjected to kinds of work for which it was not intended. The buildings themselves were also considerably modified and changed to meet the necessities of the Government. One entire store was torn down and removed, and considerable other changes made in the interior of the buildings for the use of the Army.

Mr. Spillers, a practical printer, who was entirely familiar with the machinery and the value thereof in these buildings, says that when the Army took charge of it it was worth $312,000.

Dr. Abbey, the agent in charge at the time, and Mr. Hudson, say: "The merchandise in front stores was valued at $180,000," while Dr. Abbey further says: "The machinery, type, presses, bindery, etc., were valued at $312,000."

In effect, the other testimony of men who actually knew both the buildings and the contents thereof corroborates these witnesses.

Now, Mr. Chairman, when we remember that this machinery was worn out and that all this stationery and printing paraphernalia were consumed, and that the value of the two was $312,000, and that the claimant is willing to take the compromise figure of $288,000; and when we further remember that in addition to the property actually consumed one of the buildings was torn down, valued at $5,000; that great damage was done to the remaining buildings; that the claimant was deprived of possession, the rent, and use of its buildings; that its business was broken up for several years; and that the total amount of its claim, which has been closely and conscientiously audited, amounts to $458,500; that this damage occurred over thirty years ago; that the claimant has been asking Congress to pay even this compromise amount since 1872, it is child's play, it is unjust, it is un-American, it is a painful example of "man's inhumanity to man," to longer delay the payment of this claim.

The petition of the claimant states and shows that it was necessary for the preservation of the Army at Nashville for this property to be taken and used. The petition states on that point:

> The actual possession was taken with but three hours' notice, so that there was no possible opportunity to take even the most cursory inventory of the property. So great was the stress of the Army for shelter in bad winter weather that our large stores and warehouses, filled with costly books and stationery, had to be emptied in a day to make room for large quantities of leather, saddlery, and medical stores. It was at the time impracticable for the Army to find shelter in the city for all Government stores, so that the taking of the establishment was solely the result of the necessities of the Army, the same as many similar instances in the city. We were informed, and believe, it was not the intention to interfere with these buildings and their contents, if it could be avoided, and they were suffered to remain till a very late period; but the necessity came with the arrival of large, valuable army supplies; and though the agent in charge believes the Army officers took all reasonable measures to prevent loss of property, it was impossible to do so.

Absolute possession, Dr. Abbey says, was exacted and given. He states:

> It will be observed that our entire property passed immediately and absolutely into the possession of the Government.

TESTIMONY AS TO ESTIMATED VALUE.

Dr. Abbey, the agent in charge at the time the invasion took place, Mr. Fite, Dr. Green, and possibly others estimate the value of the grounds and buildings alone at $150,000. Dr. Abbey, Mr. Warren, a salesman employed by the claimant at the time, and Hugh Carroll, the bookkeeper of the claimant, estimate the value of the "merchandise in the front stores alone at $180,000." Dr. Abbey, Mr. Carroll, and Mr. Spillers, an expert printer and superintendent of this concern, estimate the value of the machinery, type, presses, and bindery, etc., at $312,000.

Mr. Kelsea says that the plates, metal, and material "used" in the foundry department were valued at $4,550.70, as near as he could approximate. Dr. Abbey says the printing-office outfit was taken entirely away and never returned, valued at $5,500. The new building, he says, pulled down, was valued at $5,000, and that the alteration made in the interior would cost $5,000 to be restored.

Mr. Dashiell, Mr. Spillers, Mr. Hudson, and other practical men who had worked before, during, and after possession was taken

by the Army, said that the machinery was overworked, and therefore repeatedly broken, and ultimately worn out and made practically useless. Mr. Bang, Mr. Carter, Mr. Spillers. Dr. Abbey, and others testify as to the "value" of the "use" of this property, in substance, as set forth in the itemized claim to which I have already alluded.

Now, Mr. Chairman, with this brief and hurried review of the claim, I dare say, and as seriously as I know how, that if the Government were to undertake to controvert this testimony it would be an utter failure—a failure because we have given the facts as they are. The truth is stated in the record of this claim, and incontrovertibly. It simply remains now as to whether or not Congress, in the face of the Constitution, the proclamations of President Lincoln, the military orders of General Thomas, General Donelson, and General Buell, the war policy of this and all civilized countries, and the civil-war statutes as construed by the Supreme Court of the United States, shall exercise the right of might and continue to refuse to pay a just claim and to a charitable institution, when that claim is based upon an actual taking of property used and enjoyed, and to the great detriment of the claimant.

To longer deprive this claimant of just compensation when many less meritorious claims so happily alluded to by General GROSVENOR, amounting to thousands of dollars, have long since been paid is an unjust visitation. The gentleman from Pennsylvania [Mr. DALZELL] says the claim is just and that it should be paid; that he favors the bill, not the one that favors a direct appropriation, but the first bill, which seeks to refer the claim to the Court of Claims for adjudication. Now, what does this mean, Mr. Chairman? Is the gentleman a real friend to the claimant? Does he not know the Court of Claims is four or five years behind in its business? This fact has been made known to me by a leading Republican, who investigated the matter after the bill referring this claim to that court was introduced. Hence it was the second measure was introduced, which we ask to be substituted for the first. Then the effect of referring this bill, the justness of which is admitted by even its real enemies, as the gentleman from Pennsylvania is in effect, is but to at least defer the adjudication of this claim for five years more, and then a further begging of twenty-five years more of Congress to pay it.

To refer this bill to the Court of Claims is to practically abandon it. It would be a wrong that does and must shock the conscience of any man who wants to be fair with the claimant. Already the Senate has reported this bill favorably five or six times and the House committees as many more. They have repeatedly investigated it, and having the constitutional right as this House, adjudicated and held that it is a legal obligation against the Government; that it is just and should be paid.

GREAT SAVING TO THE GOVERNMENT.

The order of General Thomas of December 28, 1863, directing this property to be seized under the mistaken idea that it was confiscable property, says that "the Government would save from $25,000 to $30,000 per year" by using it for "printing blanks and orders," without counting "loss of time in getting work beyond the Ohio."

The Quartermaster-General's official report for the year ending

June 30, 1865, shows the immense output of this establishment and the great saving it was to the Government. It says:

The average saving to the Government, taking Cincinnati, Chicago, Pittsburg, and Nashville prices, as shown by monthly reports heretofore sent, is 82½ per cent, though it is believed the actual saving is 100.

The report then compliments the management of this institution as a military manufactory, in this language:

The concern merits my warmest praise, and I recommend it to your favorable notice and consideration. At this writing (1865) it is being turned over to the Bureau of Refugees, Freedmen, and Abandoned Lands, as no longer needed for the public service.

The report had previously stated the immense amount of work done and the saving to the Government, in the following language:

The operations of the establishment up to June 30, 1864, were given in my last annual report. During the year ending June 30, 1865, over 5,300,000 impressions were made; 4,352 forms printed; 101,000 quires of paper used; 223,000 quires of blanks furnished, at a total cost to the United States, including pay, commutation, etc., of enlisted men, of $29,261.40; actual cost to the Quartermaster's Department, $25,456.45. (These figures are shown by the monthly reports of the officer in immediate charge of the printing house, heretofore forwarded to your office.) The details of the establishment have been under the direction of Bvt. Maj. A. W. Wills, A. Q. M., who deserves great credit for its economical management.

This clearly shows an immense saving in printing alone, excluding that saved from freight and the higher printing, had it been done farther north. There must have been, we are forced to believe, a great saving in the other work done at this institution, judging from this immense saving in printing alone.

NOT CONFISCABLE PROPERTY.

This institution, being a corporation, the law of confiscation did not apply to it. The Supreme Court of the United States held in the Planters' Bank Case that such was the law as to corporations. The court said:

No authority was given to a military commandant, as such, to effect any confiscation, and under neither act was the property of a banking institution made confiscable. Both of them (acts of August 6, 1861, and July 17, 1862) had in view the property of natural persons (not corporations) who were public enemies, or persons who gave aid and comfort to the rebellion, and who held office under the Confederate government or under one of the States composing it.

Now listen to this specially:

In no one of the six classes of persons whose property was by the act of 1862 declared subject to confiscation was an artificial being, i. e., corporation, included.

Of course a printing corporation and a banking corporation would stand on the same footing.

The libel of information filed against this property on the 24th of May, 1862, by the Government, through the district attorney of the United States at Nashville, was subsequently dismissed by the Government on November 13, 1865, being an action in rem. This is a conclusive admission against the Government that it ever had the right to condemn this property, which judgment not only binds the Government but precludes Congress contending it could or should have been condemned. This judgment binds the court, which in turn binds Congress in its action.

The report of the House on this subject, found on pages 12 and 13, is conclusive on this point, to which I can add nothing. But aside from the law on this point, which I must here dismiss for want of more time, we ask, what was the fact? Dr. Abbey, the

agent in charge, states that not one cent of the money belonging to the claimant was used in the aid of the rebellion. I quote from his affidavit:

No moneys of said publishing house were ever used, paid, or in any way appropriated for the use, benefit, or advantage of said Confederacy, either in the purchase of Confederate bonds or otherwise, so far as he knows or believes. He was the financial secretary of said publishing house for eight years, during the entire period of the late war, and he has no recollection of ever seeing a Confederate bond.

The Rev. Dr. McFerrin, one of the purest and best men I ever knew, and who was the general agent of the claimant up probably to 1862, says no part of the building, or in short any of its property, was "permitted to be used by or for the benefit of the Confederate army, so called." He does state, as does Dr. Abbey, and as did the gentleman from Ohio [Mr. GROSVENOR], that the Confederate forces, while in possession of Nashville, being short of funds, forced the claimant to print certain matter, Hardee's Military Tactics, and possibly other like productions, but that the claimant was forced to do this, and that the editorial department and the columns of the paper were not open to the publication of any disloyal matter. This is about the substance of their affidavits, found on pages 40–41 of the House reports.

In addition to this, some of the members and officers of the Methodist Church South, to demonstrate the fact that not all even of the members of that Church took sides with the South, and to further witness the fact that this corporation had not and should not take sides in this great struggle or any other political matter, held a meeting in Louisville, in 1864, and proclaimed in a formal and substantial way the fact that this corporation was nonpolitical, was not disloyal, had not and would not take sides in the late civil war. This all appears in the record of this case in the affidavit of Dr. Finney, and possibly others.

Subsequently, I believe in 1866, at New Orleans, the General Conference ratified the action of this meeting at Louisville just described, and directed, I believe, the payment of the incidental expenses attending the Louisville meeting. Here, then, is a witness—a conference—unchallenged, as the others are, to the fact that not all of the members, official and otherwise, of this Church coincided with the South, and that during the war some of its officers proclaimed the fact that this claimant was loyal and nonpartisan, which declaration and act was thereafter reaffirmed, ratified, and indorsed deliberately by the General Conference of the Methodist Episcopal Church South.

But, Mr. Chairman, leaving this point, I again reassert that this property was not seized with reference to its usefulness in any practical or strategic sense for the Army. It was seized to save money, and did save money by the thousands in printing and in other ways for the Army and as a convenience for the civil department of the Government. The law of military necessity did not apply. A publishing house is in no respect a part of army equipment.

When this property was seized the courts were open at Nashville; this Judge Whitworth states. The supreme court of Tennessee was open. We have about five State supreme court reports known with us as the War Opinions. I was then an infant in my mother's arms, and can not state as of my personal knowledge; but I have read the court records, and such was the fact. The Federal courts were in session regularly.

Judge Catron, of the Supreme Bench of the United States, held court there; Judge East was chancellor; the law of the land was being administered, and Tennessee was not in a state of rebellion at that time, as witnesssd by the fact that President Lincoln, in his emancipation proclamation of January 1, 1862, did not designate therein Tennessee as one of the rebellious States. But even if Tennessee was, which had been the case, in a state of rebellion, private citizens who were loyal had the right to the protection of the law for themselves and their property, and they had the right to just compensation when the public welfare of the Union necessitated the taking of their property. This, the Supreme Court of the United States has repeatedly held, was the law.

And now, Mr. Chairman, as I conclude this branch of my speech, let me say that this is not a case of charity. Far from it. It brings grief to the heart of every Southern man that by mistake in the heat of debate it should have been so classed. It is an existing right, the protection of which is guaranteed to us by the Constitution, which says that no man's property shall be "taken" from him; that he shall not be "deprived" of it without "just compensation." This, Mr. Chairman, was a law before the Constitution was written—a law that governed even the original American, the Indian. It is the law of right and justice, the law which regulated the acts of the Jew and Gentile, the Greek and barbarian alike.

It is not a charity we ask. It is a right which the proclamation of President Lincoln protected; which the orders of General Thomas and General Buell said would be protected and, if taken or damaged, would be paid for. But I want to say here as a Democrat and as a young man reared since the war that, if this claim is paid, or, if not this, like claims from the South are paid, by this Republican Congress, it will prove to our people that you want to deal fairly with us.

The effect of paying this claim will radiate throughout the South that stands here insisting upon its payment because it is just. That section will feel, Mr. Chairman, that the Constitution in its letter and spirit is being upheld by the Republican party and enforced as it should be and as it was in the palmy days of the Republic. Think of it! This claim is thirty years old, and for twenty-six long years, with every means honorable, the claimant has been knocking at the door of Congress for just compensation guaranteed to it by every law of this land, and yet there are those here, professing friendship for this claim, who want to defer payment.

And now, turning for a few moments from this particular subject, let me say that I am reminded by the speech of my distinguished young friend from Texas [Mr. HENRY] of something—an evil that is paralyzing the financial welfare, if not deadening the spiritual welfare of the churches, not only in the South, but throughout the Union and the civilized world, and that evil is the gold standard. You try now to make it appear that the falling prices of to-day, if not the failing patriotism in this country, have not been superinduced by the gold standard.

But you Republicans say you did not say this. You did not then say that hard times and falling prices would be superinduced by lack of confidence, but you said then—which you now deny—that the gold standard would cause "a decrease in the price of articles

measured by the gold standard." I will now prove that you did say this.

I read from an official mint report of the United States:

> The gradual adoption of the gold standard, and consequent demonetization of silver, will, of course, be followed by an increase in the value of gold, or, what is the same thing, a decrease in the price of articles measured by it.

Mr. Chairman, to prove that the gold standard would do so the report proceeds to state what had actually occurred under the gold standard in Europe. I quote again:

> Indeed, it is quite certain that this effect is already perceptible in some portions of Europe.

You stated and at the same time proved your proposition, which you now deny. Is there any difference in the gold standard of 1873 and the gold standard of 1893 or 1897? We have had the gold standard in this country since the coinage act of February 12, 1873, took effect April 1, 1873, and hence we have had a fall in prices, as this official report said would be the case under the gold standard.

Now, you do not want me to tell you from what official authority I am reading, do you? I will give you the benefit of this as information. I am reading from Dr. Linderman's mint report filed November, 1873. Who was Dr. Linderman? He was a leading Republican and high official, a Mint Director of the United States, who, in the face of the deadening effect of the gold standard, aided in the demonetization of silver in 1873 and helped to fasten that odious British policy on us. Here is a Republican official deliberately fixing on his people a financial policy he said would decrease prices, and which other Republican speakers have since said brought to our people more distress, more want, more penury than all our wars and ravages of diseases have ever done. I want you Republicans to note the fact that this comment on the effect of the gold standard was made at a time when it did not seem to him that it was necessary to whitewash and color up its paralyzing effects on the business and the welfare of the people of this country.

But that is not all. Let me read to you from another official report of Dr. Linderman's of 1875:

> The principal money markets of the world have been occasionally disturbed during the last three years—

That is, the years 1874, 1873, and 1872—

> In seeking for the causes of these disturbances it would appear, at first glance, that the supply of gold is unequal to the legitimate demands of a rapidly increasing commerce of the world. A careful examination of the subject, however, would show that the monetary troubles have not been caused by insufficient supplies of gold, but by its having been withheld in large sums from circulation and—

What else now cause the money troubles? This report answers and says:

> The diminished use of silver as money.

It was not a "lack of confidence," as you Republicans and gold men now say our trouble is; it was not only the locking up of gold, says this report, but it was "the diminished use of silver as money," coined under free coinage into unlimited tender, from which alone standard money can come.

And yet, Mr. Chairman, the distinguished Secretary of the Treasury, Mr. Gage, the manly mouthpiece, I must admit, of the gold-standard fraternity and of the monopolists who furnished but few votes, but by their powerful influence much money for the recent campaign whereby President McKinley's election was secured, declares that it is his purpose, and, therefore, the purpose of President McKinley, to more firmly rivet and fasten upon this patient, debt-ridden, distressed, and impoverished millions of people the gold standard. President McKinley must stand as indorsing it, because he does not disclaim it. Mr. Gage, it is said, offered to resign because of his gold-standard views; but, nay, verily, if the press reports be true, President McKinley asked him not to, and as a matter of fact we know he has not, and we further easily conclude he will not, resign.

Pardon me for alluding to one other bit of history. There was a prophecy made in 1868, at a time when the introduction of the gold standard in Paris was being discussed. This prophecy is contained in a thesis written by the distinguished bimetallists, Count Wolowski and Mr. Seyd.

What did they say? After making five prophecies, in which they stated in substance that all of our present financial distress and penury, our want and friction in business and social intercourse, would be superinduced by the adoption of the gold standard, they made a sixth prophecy, which is peculiarly applicable to the present condition of things and the varying position of President McKinley and his party. The gold men try to make it appear that our condition was not brought about by the gold standard, but by lack of confidence. The sixth prophecy is as follows:

> One of the principal difficulties in this period of general depression will be that people will look for its causes in all possible directions. The advocates of the gold standard will offer all possible groundless and fantastic excuses or reasons of a secondary nature only, and the real cause, the demonetization of silver, will be overlooked until the perspicuity of the phenomena and dire necessity shall force thinking men to point it out.

For the delectation of the gentlemen on the other side of the Hall I shall avail myself of the privilege of inserting this wonderful prophecy in my remarks.

> The demonetization of silver by any great civilized nation must produce the following results:
>
> 1. The international trade of the world will instantly show signs of decline, to the special injury of countries having the largest international trade.
>
> 2. The spirit of public enterprise, in railroads and other useful undertakings, will be immediately checked, and consequently the general progress of civilization will suffer.
>
> 3. The decline in prices will compel countries internationally indebted to depart more and more from the principles of free trade toward a policy of protection.
>
> 4. The nations of the world will be divided into two groups—the one trading in gold, the other in silver—and this condition will render commerce between them unsafe and precarious.
>
> 5. Throughout the world a decline in prices will follow, injurious alike to owners of real property and the laboring classes, and advantageous only—and unjustly so—to the holders of State bonds and similar securities.
>
> 6. One of the principal difficulties in this period of general depression will be that people will look for its causes in all possible directions. The advocates of the gold standard will offer all possible groundless and fantastic excuses or reasons of a secondary nature only, and the real cause, the demonetization of silver, will be overlooked until the perspicuity of the phenomena and dire necessity shall force thinking men to point it out.

That is a remarkable and wonderful prophecy, and how true!

And now, Mr. Chairman, just a word or two more. I would

like to know exactly how the Chief Executive of this great country now stands on this subject. I had occasion the last session of this Congress to make the same allusion to the President. It is this: We find him last April appointing what? A monetary commission to go to Europe. To do what? To discontinue the gold standard, not continue it. We find this same President, in the same year of our Lord, in the same year of the same Congress that he appointed the first commission, sending in, an hour and a half before the extra session of this Congress adjourned, a most importunate and urgent message, to do what? To pass a law giving him power to appoint another commission, to do what? Continue, not discontinue, the gold standard. Now, for what does he stand? Where is the President?

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